

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6991

BILL NUMBER: SB 252

NOTE PREPARED: Jan 2, 2009

BILL AMENDED:

SUBJECT: Operating While Intoxicated.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill specifies alcohol concentration equivalents for blood tests conducted on blood serum instead of whole blood for use in laws concerning the operation of motor vehicles and motorboats while intoxicated.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could reduce costs incurred by prosecuting attorneys for expert witnesses to appear in court to explain the differences between the alcohol concentration in whole blood and blood serum or plasma. The cost of expert witnesses in OWI cases is not known.

Background – Blood tests can be performed on either whole blood or blood serum to detect the presence and concentration of alcohol. Whole blood tests are generally performed on blood samples that law enforcement officers obtain when stopping a driver the officer suspects is intoxicated. When the suspected person submits to a BAC (blood alcohol content) test, the blood sample is sent to the State Department of Toxicology where the sample of whole blood is analyzed.

BAC tests on blood serum or plasma are generally performed when the suspected person has been hospitalized because of an injury. The hospital could perform the BAC analysis in its own lab or send the

blood serum or plasma sample to the Department of Toxicology for analysis.

Staff in the State Department of Toxicology estimate that roughly 90% of tests the Department performs are on whole blood samples and 10% on serum and plasma samples.

The Bureau of Motor Vehicles reports over 36,000 cases of OWI filed in Indiana's trial courts in CY 2007.

Explanation of Local Revenues:

State Agencies Affected: State Department of Toxicology.

Local Agencies Affected: Prosecuting attorneys.

Information Sources: Michael Wagner, Ph.D., State Department of Toxicology; Bureau of Motor Vehicles.

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